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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,393	06/04/2001	Louis chevalier	PF 980067	8508

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EXAMINER

SALTARELLI, DOMINIC D

ART UNIT PAPER NUMBER

2623

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/806,393	<b>Applicant(s)</b> CHEVALLIER ET AL.	
	<b>Examiner</b> Dominic D. Saltarelli	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 8-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 29, 2006 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed August 29, 2006 have been fully considered but they are not persuasive.

First, applicant argues that Rzeszewski does not teach the second database has a same structure as the first database (applicant's remarks, pages 6-7).

In response, the claimed limitation is far broader than applicant's disclosure. Applicant's disclosure identifies the first and second databases as being identical, whereas the claimed limitation is merely "the second database having a same structure as the first database". The scope of said limitation is such that any similarity between the first and second database, no matter how minor, is sufficient to meet the claimed limitation. Therefore, since both identified databases in the Rzeszewski are stored in random access memories, the simple

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fact that both databases are composed of transistors is itself enough to meet the claimed limitation, as this is a structure that both databases have in common.

Second, applicant argues that the goal of the current invention is different from the goal of the Rzeszewski disclosure (applicant's remarks, page 7).

In response, arguments regarding the nature of the problem sought to be solved by applicant's disclosure is irrelevant regarding the question of whether the Rzeszewski reference anticipates the claimed limitations. The claims stand rejected under 35 USC 102, and thus the only consideration is one of anticipation. Consideration of the problem solved is only relevant when questioning the validity of a *prima facie* case of obviousness under 35 USC 103.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 8-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Rzeszewski et al. (5,699,125, of record) [Rzeszewski].

Regarding claim 8, Rzeszewski discloses a process for managing service data in a television system in which the service data are transmitted (col. 1, lines 50-55), comprising a step of acquiring information containing a list of broadcast services and supplementary data relative to these services (col. 4, lines 26-37) and of storing the acquired information in a first database of a receiver (memory 18, col. 5 line 56 – col. 6 line 5); wherein

the process comprises the steps of:

- copying information stored in the first database to a second database of the receiver for the updating of the said second database (VRAM, col. 6, lines 6-14), the second database having a same structure as the first database (both are RAM type memories, as the first database is RAM memory 18, col. 4, lines 38-50 and the second database is VRAM memory, col. 5, lines 3-20);
- making the data stored in the said second database available to at least one application of the said receiver (the application with access to the second database is the one used for displaying the program guide information on the CRT, col. 6, lines 10-14); and
- when the acquired list of broadcast services changes, of acquiring the new list of services in the first database (when it is determined that the stored guide data is no longer current, col. 6, lines 15-30), and of copying the acquired list of broadcast services to the

second database when the entire list has been acquired in the first database (col. 6, lines 15-30, specifically lines 25-30).

Regarding claim 9, Rzeszewski discloses the process according to claim 8, wherein the updating of the second database is performed immediately after acquiring a service datum (col. 6, lines 15-30).

Regarding claims 10 and 11, Rzeszewski discloses the process according to claims 8 and 9, wherein the updating of the second database is performed after a predetermined time interval after a request for acquisition of a service datum (there is inherently a time interval between completion of the updating of the first database in memory 18 and the updating of the same database into VRAM, col. 6, lines 15-30).

Regarding claim 12, Rzeszewski discloses the updating of the second database is performed only following a request of an application (the database information is transferred to VRAM only upon request of the program guide application which is attempting to display a program guide on screen in response to a user request, col. 5 lines 30-45 and col. 6, lines 6-30).

Regarding claim 13, Rzeszewski discloses the process according to claim 9, wherein the moment of the update is dependent on the type of the service

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datum (updating the information in the VRAM is dependent upon the channel to which the service datum is associated, as the updating step takes longer when the channel is not on the "select channel list", col. 5, lines 46-55 shows the updating taking place from a channel not on the "select channel list" and col. 6, lines 6-14 shows the updating taking place when the channel is on the "select channel list", and as shown in col. 6, lines 10-14, service datum of the type on the "select channel list" is loaded more quickly than service datum which is not of the type on the "select channel list").

Regarding claim 14, Rzeszewski discloses the process according to claim 8, the process furthermore comprising the steps of:

- when a service changes, acquiring new supplementary information relating to this service (information that is not current is removed and updated with the current information, col. 6, lines 19-23) and suspending the updating of the second database with the new supplementary information until a request of an application (the database information is transferred to VRAM only upon request of the program guide application which is attempting to display a program guide on screen in response to a user request, col. 5 lines 30-45 and col. 6, lines 6-30).

Regarding claim 15, Rzeszewski discloses a television receiver in a television system with transmission of service data (col. 1, lines 50-55), comprising:

- means for acquiring information containing a list of broadcast service and supplementary data relative to these services (col. 5, lines 30-45, wherein the list and data is described col. 4, lines 26-57);
- means for storing information in a first service database (memory 18, col. 5 line 56 – col. 6 line 5);
- means for copying the acquired list of broadcast services to a second database (VRAM, col. 6, lines 6-14) having a same structure as the first database (both are RAM type memories, as the first database is RAM memory 18, col. 4, lines 38-50 and the second database is VRAM memory, col. 5, lines 3-20);
- detection means of a change to the list of broadcast services (col. 6, lines 19-23), the detection means controlling the means for copying the list of broadcast services (program 30 running the process shown in fig. 3, col. 5, lines 30-45) when the entire list has been acquired in the first database (data is not copied in VRAM until the new list of services has been acquired, col. 6, lines 15-30).



***Conclusion***

5. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-7302. The examiner can normally be reached on Monday - Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli  
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DS



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